



Mandatory Reporting and HIPAA Compliance

Federal, state, tribal, and local laws addressing child abuse or domestic violence may require you to disclose that information to the proper authorities.

Federal laws specific to trafficking, such as the Trafficking Victims Protection Act of 2000 (TVPA) and the Preventing Sex Trafficking and Strengthening Families Act, may also require you to report certain information to further protect individuals who have experienced trafficking or are at risk of trafficking.

Mandatory reporting laws vary by state, so it is important to know the law in the state where you work. Remember, HIPAA was written to protect individual confidentiality, not to prevent the reporting of trauma and crimes. In fact, many trafficking situations will not fall under mandatory reporting requirements, so understanding the limitations of confidentiality and explaining them to the patient or client ahead of time is very important.

The resources outlined below can help you navigate federal, state, and local laws related to mandatory reporting and HIPAA compliance.

Legend



Federal Requirement



State Requirement

Human Trafficking



Human Trafficking and Health Care Providers: Legal Requirements for Reporting and Education



https://healtrafficking.org/wp-content/uploads/2021/01/Human-Trafficking-and-Health-Care-Providers_Legal-Requirements-for-Reporting-and-Education-02_25_21.pdf

This tool summarizes applicable federal and state laws on the following topics: reporting of child abuse, reporting of sex and/or labor trafficking, and required regulation of anti-trafficking education of healthcare providers.



Mandatory Reporting of Human Trafficking: Potential Benefits and Risks of Harm (English, 2017)

<https://journalofethics.ama-assn.org/article/mandatory-reporting-human-trafficking-potential-benefits-and-risks-harm/2017-01>

This article uses states' experiences implementing child abuse laws to assess the potential risks and benefits of mandatory reporting of human trafficking.



National Conference of State Legislatures Human Trafficking State Laws

<https://www.ncsl.org/research/civil-and-criminal-justice/human-trafficking-laws.aspx>

Every state has laws establishing criminal penalties for trafficking. This resource outlines the criminal penalties, judicial protections, funds and services, and other nuances of human trafficking laws by state.





Polaris Policy and Legislation

<https://polarisproject.org/policy-legislation>

Polaris offers a variety of federal and state resources on anti-trafficking laws and legislation.



Trafficking Victims Protection Act of 2000

<https://www.congress.gov/bill/115th-congress/senate-bill/1312>

The TVPA requires federal, state, or local officials to notify the U.S. Department of Health and Human Services (HHS) within 24 hours of discovering a child who may be a foreign victim in the U.S. to assess for eligibility of services through the [Shepherd module](#) within the Anti-Trafficking Information Management System. Additionally, while federal, state, and local officials are required to refer cases of potential foreign national minor trafficking to HHS within 24 hours, anyone can request assistance on behalf of a minor. If you have concerns that a foreign national minor in the United States may have experienced forced labor or commercial sex trafficking, request assistance through Shepherd. Contact ChildTrafficking@acf.hhs.gov or 202-205-4582 with questions.

Child Abuse or Neglect



Immunity for Reporters for Child Abuse and Neglect

<https://www.childwelfare.gov/topics/systemwide/laws-policies/statutes/immunity>

This factsheet summarizes State laws on immunity from prosecution for persons who in good faith report suspected instances of child abuse or neglect



Justice for Victims of Trafficking Act of 2015

<https://www.congress.gov/bill/114th-congress/senate-bill/178>

Mandated reporters should report suspected trafficking of a minor as they would abuse and neglect in accordance with the protocols in their state.



Mandatory Reporters of Child Abuse and Neglect

<https://www.childwelfare.gov/topics/systemwide/laws-policies/statutes/mandate>

This factsheet discusses laws related to specific professionals that are required to report cases of suspected child abuse and neglect.



Preventing Sex Trafficking and Strengthening Families Act



<https://www.congress.gov/bill/113th-congress/house-bill/4980>

This federal law requires public child welfare agencies to identify and serve minors who have experienced sex trafficking or who are at risk of sex trafficking. Additionally, state child welfare agencies must report any missing children to law enforcement and the National Center for Missing & Exploited Children (NCMEC) within 24 hours. If you work for a state child welfare agency, you can report a missing child to NCMEC by calling 1-800-843-5678.

Domestic Violence or Sexual Assault

Compendium of State Statutes and Policies on Domestic Violence and Healthcare

<https://www.futureswithoutviolence.org/compendium-of-state-statutes-and-policies-on-domestic-violence-and-health-care/>

The Compendium includes state-specific information on fatality review, mandatory reporting to law enforcement by health providers, insurance discrimination, healthcare protocols, screening, and training.

Rape and Sexual Assault Reporting Laws

<https://www.evawintl.org/Library/DocumentLibraryHandler.ashx?id=571>

The National Center for the Prosecution of Violence Against Women offers a list of state statutes pertaining to mandatory reporting of rape, injuries that may include rape, reporting requirements for other crimes or injuries that may impact victims of rape and sexual assault, and payment for forensic sexual assault examinations.

Health Insurance Portability and Accountability Act (HIPAA)

Department of Health and Human Services: HIPAA for Professionals

<https://www.hhs.gov/hipaa/for-professionals/index.html>

The HIPAA Privacy Rule sets national standards for protecting the confidentiality, integrity, and availability of electronic protected health information.

HIPAA and Health Care Professionals

<https://healtrafficking.org/wp-content/uploads/2018/10/Human-Trafficking-and-HIPAA-What-the-Health-Care-Professional-Needs-to-Know.pdf>

This article outlines key questions and answers to assist healthcare professionals caring for individuals who have experienced trafficking while complying with HIPAA.